

By Senator Sebesta

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A bill to be entitled

An act relating to public records and meetings;
amending s. 112.324, F.S.; exempting records
and meetings of a commission on ethics
established by a municipality from disclosure
and public-meetings requirements; providing a
statement of public necessity; providing for
future legislative review and repeal under the
Open Government Sunset Review Act; providing an
effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (2) of section 112.324, Florida Statutes, is amended to read:

112.324 Procedures on complaints of violations; public records and meeting exemptions.--

(2) The complaint and records relating to the complaint or to any preliminary investigation held by the commission or its agents or by a Commission on Ethics and Public Trust established by any county defined in s. 125.011(1) or by any municipality defined in s. 165.031, are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and any proceeding conducted by the commission or a Commission on Ethics and Public Trust, pursuant to a complaint or preliminary investigation, is exempt from the provisions of s. 286.011, s. 24(b), Art. I of the State Constitution, and s. 120.525, until the complaint is dismissed as legally insufficient, until the alleged violator requests in writing that such records and proceedings be made public, or until the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 | commission or a Commission on Ethics and Public Trust
2 | determines, based on such investigation, whether probable
3 | cause exists to believe that a violation has occurred. In no
4 | event shall a complaint under this part against a candidate in
5 | any general, special, or primary election be filed or any
6 | intention of filing such a complaint be disclosed on the day
7 | of any such election or within the 5 days immediately
8 | preceding the date of the election.

9 | Section 2. The Legislature finds it a public necessity
10 | that information concerning individuals under investigation
11 | for alleged violations of the ethics standards be kept
12 | confidential and exempt from the public-records law. The
13 | release of such information could potentially be defamatory to
14 | such individuals or cause unwarranted damage to the good name
15 | or reputation of such individuals. In addition, the
16 | Legislature finds it a public necessity that records be
17 | protected and meetings be closed to the public so that
18 | administration by a municipal commission on ethics is not
19 | otherwise significantly impaired. The exemption of this
20 | information would minimize the possibility of unnecessary
21 | scrutiny by the public or the media of individuals under
22 | investigation and their families and will create a secure
23 | environment in which a municipal commission on ethics may
24 | conduct its business. Furthermore, the Legislature has already
25 | recognized the importance of such public records and meetings
26 | exemptions by exempting the records and meetings of the state
27 | Commission on Ethics and those of a commission on ethics
28 | formed by a county.

29 | Section 3. The exemption provided in section
30 | 112.324(2), Florida Statutes, as amended by this act for
31 | records and meetings of commissions on ethics created by

1 municipalities is subject to the Open Government Sunset Review
2 Act of 1995 in accordance with section 119.15, Florida
3 Statutes, and shall stand repealed on October 2, 2010, unless
4 reviewed and reenacted by the Legislature.

5 Section 4. This act shall take effect July 1, 2005.

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8 SENATE SUMMARY

9 Exempts records and meetings of a commission on ethics
10 created by a municipality from disclosure in the same
11 manner as the state Commission on Ethics or a commission
12 on ethics created by a county. The exemption expires
13 October 2, 2010, unless reviewed and revived by the
14 Legislature.
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